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1ST SESSION

S. 1651

To assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2007

Mr. KENNEDY (for himself, Mr. SMITH, Mr. BIDEN, Mr. HAGEL, Mr. LEAHY, Mr. LEVIN, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Refugee Crisis in Iraq Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Processing facilities.
- Sec. 4. United States refugee program priorities.

- Sec. 5. Special immigrant status for certain Iraqis.
- Sec. 6. Minister counselors for Iraqi refugees and internally displaced persons.
- Sec. 7. Countries with significant populations of displaced Iraqis.
- Sec. 8. Denial or termination of asylum.
- Sec. 9. Reports.
- Sec. 10. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The United Nations estimates that there
 4 are 2,000,000 Iraqis internally displaced and more
 5 than 2,000,000 Iraqi refugees in neighboring coun-
 6 tries, primarily Jordan and Syria.

7 (2) The humanitarian needs of the Iraqi refu-
 8 gees and internally displaced persons are significant.
 9 If their needs are not quickly and adequately met,
 10 these populations could become a fertile recruiting
 11 ground for terrorists.

12 (3) Iraqi refugees are a significant financial
 13 burden on countries in the region. The Iraq Study
 14 Group concluded that if the refugee crisis “is not
 15 addressed, Iraq and the region could be further de-
 16 stabilized”.

17 (4) Many Iraqis who have worked in critical po-
 18 sitions in direct support of the United States Gov-
 19 ernment in Iraq have been killed or injured in re-
 20 prisals for their support of the American effort.
 21 Many more Iraqis associated with the United States
 22 have fled Iraq in fear of being killed or injured.

1 (5) Although the United States cannot resettle
2 all of Iraq's refugees in the United States, the
3 United States has a fundamental obligation to help
4 the vast number of Iraqis displaced in Iraq and
5 throughout the region by the war and the associated
6 chaos, especially those who have supported Amer-
7 ica's efforts in Iraq.

8 (6) In April 2007, Assistant Secretary of State
9 Ellen Sauerbrey said the United States "could reset-
10 tle up to 25,000 Iraqi refugees" this year. In May
11 2007, Under Secretary of State Paula Dobriansky
12 said, "We are committed to honoring our moral debt
13 to those Iraqis who have provided assistance to the
14 United States military and embassy." On June 8,
15 2007, Secretary Rice remarked, "The people that
16 I'm most worried about in the near term are the
17 people who've worked for and with us who might be
18 subject to recrimination and reprisal."

19 (7) It is essential for the United States to de-
20 velop a comprehensive and effective approach to sup-
21 port host governments and to meet the needs of
22 Iraq's refugees and internally displaced persons, es-
23 pecially those who are associated with the United
24 States.

1 **SEC. 3. PROCESSING FACILITIES.**

2 (a) IN GENERAL.—The Secretary of State shall es-
3 tablish processing facilities in Iraq and in countries in the
4 region in which—

5 (1) aliens described in section 4 may apply and
6 interview for admission to the United States as refu-
7 gees; and

8 (2) aliens described in section 5(b) may apply
9 and interview for admission to the United States as
10 special immigrants.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later than 60 days after
13 the date of the enactment of this Act, the Secretary
14 of State, in consultation with the Secretary of
15 Homeland Security, shall submit a report that con-
16 tains the plans and assessment described in para-
17 graph (2) to—

18 (A) the Committee on the Judiciary of the
19 Senate;

20 (B) the Committee on Foreign Relations of
21 the Senate;

22 (C) the Committee on the Judiciary of the
23 House of Representatives; and

24 (D) the Committee on Foreign Affairs of
25 the House of Representatives.

1 (2) CONTENTS.—The report submitted under
2 paragraph (1) shall—

3 (A) describe the Secretary’s plans to estab-
4 lish the processing facilities described in sub-
5 section (a); and

6 (B) contain an assessment of in-country
7 processing that makes use of videoconferencing.

8 **SEC. 4. UNITED STATES REFUGEE PROGRAM PRIORITIES.**

9 (a) IN GENERAL.—Priority 2 refugees of special hu-
10 manitarian concern under the refugee resettlement pri-
11 ority system shall include—

12 (1) Iraqis who were employed by, or worked for
13 or directly with the United States Government, in
14 Iraq;

15 (2) Iraqis who were employed in Iraq by—

16 (A) a media or nongovernmental organiza-
17 tion based in the United States; or

18 (B) an organization or entity that has re-
19 ceived a grant from, or entered into a coopera-
20 tive agreement or contract with, the United
21 States Government;

22 (3) spouses, children, sons, daughters, siblings,
23 and parents of aliens described in paragraph (1) or
24 section 5(b); and

1 (4) Iraqis who are members of a religious or
2 minority community and have close family members
3 (as described in sections 201(b)(2)(A)(i) or 203(a)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1151(b)(2)(A)(i) and 1153(a))) in the United
6 States.

7 (b) IDENTIFICATION OF OTHER PERSECUTED
8 GROUPS.—The Secretary of State is authorized to identify
9 other Priority 2 groups in Iraq.

10 **SEC. 5. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.**

11 (a) IN GENERAL.—Subject to subsection (c)(1) and
12 notwithstanding any other provision of law, for purposes
13 of the Immigration and Nationality Act (8 U.S.C. 1101
14 et seq.), the Secretary of Homeland Security may provide
15 an alien described in subsection (b) with the status of a
16 special immigrant under section 101(a)(27) of such Act
17 (8 U.S.C. 1101(a)(27)), if the alien—

18 (1) or an agent acting on behalf of the alien,
19 submits to the Secretary a petition under section
20 204 of such Act (8 U.S.C. 1154) for classification
21 under section 203(b)(4) of such Act (8 U.S.C.
22 1153(b)(4));

23 (2) is otherwise eligible to receive an immigrant
24 visa; and

1 (3) is otherwise admissible to the United States
 2 for permanent residence (excluding the grounds for
 3 inadmissibility specified in section 212(a)(4) of such
 4 Act (8 U.S.C. 1182(a)(4)).

5 (b) ALIENS DESCRIBED.—

6 (1) PRINCIPAL ALIENS.—An alien is described
 7 in this subsection if the alien—

8 (A) is a national of Iraq;

9 (B) was employed by, or worked for or di-
 10 rectly with the United States Government in
 11 Iraq, in or after 2003, for an aggregate period
 12 of not less than 1 year; and

13 (C) provided faithful service to the United
 14 States Government, which is documented in a
 15 positive recommendation or evaluation.

16 (2) SPOUSES AND CHILDREN.—An alien is de-
 17 scribed in this subsection if the alien is—

18 (A) the spouse or child of a principal alien
 19 described in paragraph (1); and

20 (B) is following or accompanying to join
 21 the principal alien in the United States.

22 (c) NUMERICAL LIMITATIONS AND BENEFITS.—

23 (1) IN GENERAL.—The total number of prin-
 24 cipal aliens who may be provided special immigrant
 25 status under this section may not exceed 5,000 per

1 year for each of the 5 fiscal years beginning after
2 the date of the enactment of this Act.

3 (2) EXCLUSION FROM NUMERICAL LIMITA-
4 TIONS.—Aliens provided special immigrant status
5 under this section shall not be counted against any
6 numerical limitation under sections 201(d), 202(a),
7 or 203(b)(4) of the Immigration and Nationality Act
8 (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

9 (3) BENEFITS.—Aliens provided special immi-
10 grant status under this section shall be eligible for
11 the same resettlement assistance, entitlement pro-
12 grams, and other benefits as refugees admitted
13 under section 207 of the Immigration and Natu-
14 ralization Act (8 U.S.C. 1157).

15 (4) CARRY FORWARD.—If the numerical limita-
16 tion under paragraph (1) is not reached during a
17 given fiscal year, the numerical limitation under
18 paragraph (1) for the following fiscal year shall be
19 increased by a number equal to the difference be-
20 tween—

21 (A) the number of visas authorized under
22 paragraph (1) for the given fiscal year; and

23 (B) the number of principal aliens provided
24 special immigrant status under this section dur-
25 ing the given fiscal year.

1 (d) VISA AND PASSPORT ISSUANCE AND FEES.—Nei-
2 ther the Secretary of State nor the Secretary of Homeland
3 Security may charge an alien described in subsection (b)
4 any fee in connection with an application for, or issuance
5 of, a special immigrant visa. The Secretary of State shall
6 ensure that aliens described in this section who are issued
7 special immigrant visas are provided with the appropriate
8 series Iraqi passport necessary to enter the United States.

9 (e) PROTECTION OF ALIENS.—The Secretary of
10 State, in consultation with other relevant Federal agen-
11 cies, shall provide an alien described in this section who
12 is applying for a special immigrant visa with protection
13 or the immediate removal from Iraq of such alien if the
14 Secretary determines that such alien is in imminent dan-
15 ger.

16 (f) SECURITY.—An alien is not eligible to participate
17 in the program authorized under this section if the alien
18 is otherwise inadmissible to the United States under sec-
19 tion 212(a)(3) of the Immigration and Nationality Act (8
20 U.S.C. 1182(a)(3)).

21 (g) DEFINITIONS.—The terms defined in subsections
22 (a) and (b) of section 101 of the Immigration and Nation-
23 ality Act (8 U.S.C. 1101) have the same meanings when
24 used in this section.

1 (h) REGULATIONS.—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary of Home-
3 land Security shall promulgate regulations to carry out the
4 provisions of this section, including requirements for back-
5 ground checks.

6 (i) SAVINGS PROVISION.—Nothing in this section
7 may be construed to affect the authority of the Secretary
8 of Homeland Security under section 1059 of the National
9 Defense Authorization Act for Fiscal Year 2006 (Public
10 Law 109–163).

11 **SEC. 6. MINISTER COUNSELORS FOR IRAQI REFUGEES AND**
12 **INTERNALLY DISPLACED PERSONS.**

13 (a) IN GENERAL.—The Secretary of State shall es-
14 tablish in the embassy of the United States located in
15 Baghdad, Iraq, a Minister Counselor for Iraqi Refugees
16 and Internally Displaced Persons (referred to in this sec-
17 tion as the “Minister Counselor for Iraq”).

18 (b) DUTIES.—The Minister Counselor for Iraq shall
19 be responsible for the oversight of processing for resettle-
20 ment of persons considered Priority 2 refugees of special
21 humanitarian concern, special immigrant visa programs in
22 Iraq, and the development and implementation of other
23 appropriate policies and programs concerning Iraqi refu-
24 gees and internally displaced persons. The Minister Coun-

1 selor for Iraq shall have the authority to refer persons to
2 the United States refugee resettlement program.

3 (c) DESIGNATION OF MINISTER COUNSELORS.—The
4 Secretary of State shall designate in the embassies of the
5 United States located in Cairo, Egypt; Amman, Jordan;
6 Damascus, Syria; and Beirut, Lebanon a Minister Coun-
7 selor to oversee resettlement to the United States of per-
8 sons considered Priority 2 refugees of special humani-
9 tarian concern in those countries to ensure their applica-
10 tions to the United States refugee resettlement program
11 are processed in an orderly manner and without delay.

12 **SEC. 7. COUNTRIES WITH SIGNIFICANT POPULATIONS OF**
13 **DISPLACED IRAQIS.**

14 (a) IN GENERAL.—With respect to each country with
15 a significant population of displaced Iraqis, including Iraq,
16 Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary
17 of State shall—

18 (1) as appropriate, consult with other countries
19 regarding resettlement of the most vulnerable mem-
20 bers of such refugee populations; and

21 (2) develop mechanisms in and provide assist-
22 ance to countries with a significant population of
23 displaced Iraqis to ensure the well-being and safety
24 of such populations in their host environments.

1 (b) NUMERICAL LIMITATIONS.—In determining the
 2 number of Iraqi refugees who should be resettled in the
 3 United States under sections (a) and (b) of section 207
 4 of the Immigration and Nationality Act (8 U.S.C. 1157),
 5 the President shall consult nongovernmental organizations
 6 that have a presence in Iraq or experience in assessing
 7 the problems faced by Iraqi refugees.

8 (c) ELIGIBILITY FOR ADMISSION AS REFUGEE.—Sec-
 9 tion 207(c)(1) of the Immigration and Nationality Act (8
 10 U.S.C. 1157(c)(1)) is amended by adding at the end the
 11 following: “No alien shall be denied the opportunity to
 12 apply for admission under this section solely because such
 13 alien qualifies as an immediate relative or is eligible for
 14 classification as a special immigrant.”.

15 **SEC. 8. DENIAL OR TERMINATION OF ASYLUM.**

16 Section 208(b) of the Immigration and Nationality
 17 Act (8 U.S.C. 1158) is amended by adding at the end the
 18 following:

19 “(4) CHANGED COUNTRY CONDITIONS.—An ap-
 20 plicant for asylum or withholding of removal, whose
 21 claim was denied by an immigration judge solely on
 22 the basis of changed country conditions on or after
 23 March 1, 2003, may file a motion to reopen to re-
 24 consider his or her claim not later than 6 months

1 after the date of the enactment of the Refugee Crisis
2 in Iraq Act if the applicant—

3 “(A) is a national of Iraq; and

4 “(B) remained in the United States on
5 such date of enactment.”.

6 **SEC. 9. REPORTS.**

7 (a) SECRETARY OF HOMELAND SECURITY.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of the enactment of this Act, the Secretary
10 of Homeland Security shall submit a report con-
11 taining plans to expedite the processing of Iraqi ref-
12 ugees for resettlement to—

13 (A) the Committee on the Judiciary of the
14 Senate;

15 (B) the Committee on Foreign Relations of
16 the Senate;

17 (C) the Committee on the Judiciary of the
18 House of Representatives; and

19 (D) the Committee on Foreign Affairs of
20 the House of Representatives.

21 (2) CONTENTS.—The report submitted under
22 paragraph (1) shall—

23 (A) detail the plans of the Secretary for
24 expediting the processing of Iraqi refugees for
25 resettlement including through temporary ex-

1 pansion of the Refugee Corps of United States
2 Citizenship and Immigration Services; and

3 (B) describe the plans of the Secretary for
4 enhancing existing systems for conducting back-
5 ground and security checks of persons applying
6 for Special Immigrant Visas and of persons
7 considered Priority 2 refugees of special hu-
8 manitarian concern under this Act, which en-
9 hancements shall support immigration security
10 and provide for the orderly processing of such
11 applications without delay.

12 (b) PRESIDENT.—Not later than 90 days after the
13 date of the enactment of this Act, and annually thereafter,
14 the President shall submit to Congress an unclassified re-
15 port, with a classified annex if necessary, which includes—

16 (1) an assessment of the financial, security, and
17 personnel considerations and resources necessary to
18 carry out the provisions of this Act;

19 (2) the number of aliens described in section
20 4(1);

21 (3) the number of such aliens who have applied
22 for special immigrant visas;

23 (4) the date of such applications; and

1 (5) in the case of applications pending for more
2 than 6 months, the reasons that visas have not been
3 expeditiously processed.

4 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as may be necessary to carry out this Act.

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